

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,

Plaintiff,

vs.

WALL STREET EQUITY GROUP, INC.,
WALL STREET GROUP OF COMPANIES,
INC., SHEPHERD FRIEDMAN, STEVEN S.
WEST,

Defendants.

8:10CV365

FINDINGS AND RECOMMENDATION

The former counsel for Defendant Wall Street Equity Group, Inc., and Wall Street Group of Companies, Inc. is disqualified from representing any of the defendants in this case. That decision was entered on February 13, 2013. (Filing No. [364](#)). The order stated:

On or before February 27, 2013, Wall Street Equity Group, Inc. and Wall Street Group of Companies, Inc., shall obtain the services of substitute counsel and have that attorney file an appearance on their behalf, in the absence of which the court will enter a default and/or a judgment of default against them without further notice.

(Filing No. [364](#), at CM/ECF p. 14, ¶ 7). The memorandum and order was served by the court's CM/ECF system on defendants' disqualified counsel, who confirmed that she, in turn, served it on the defendants on February 15, 2013. (Filing No. [365](#)).

Wall Street Equity Group, Inc. and Wall Street Group of Companies, Inc. have failed to timely comply with the court's order.

Accordingly,

IT IS RECOMMENDED to the Honorable John M. Gerrard, United States District Judge, pursuant to 28 U.S.C. § 636(b), that a default be entered against Wall Street Equity Group, Inc. and Wall Street Group of Companies, Inc. without further notice.

IT IS FURTHER RECOMMENDED that if a default is entered against the corporate defendants, the Plaintiff be afforded an opportunity to prove not only the amount of damages at issue, but the degree and extent of Wall Street Equity Group, Inc.'s and Wall Street Group of Companies, Inc.'s culpability in causing those damages.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

IT IS FURTHER ORDERED: The clerk shall mail and email a copy of this recommendation to Wall Street Equity Group, Inc. and Wall Street Group of Companies, Inc. at the addresses identified by their former counsel in Filing No. [365](#).

February 28, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge